

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FATIMA DEL CARMEN TORRES DE REYES,

Plaintiff,

MEMORANDUM & ORDER
20-CV-3474 (EK) (SJB)

-against-

TACOS EL GALLO GIRO CORP. and
TACUEPIAN DAMIEN,

Defendants.

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ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Bulsara's Report and Recommendation (R&R) dated January 25, 2022. ECF No. 17. Judge Bulsara recommends that judgment be entered against Tacos El Gallo Giro Corp. for unpaid overtime wages, unpaid minimum wages, other unpaid wages that were unlawfully deducted, unpaid spread-of-hours pay, liquidated damages under the Fair Labor Standards Act (FLSA) and the New York Labor Law (NYLL), damages under New York's Wage Theft Prevention Act (WTPA), and pre-judgment interest. Judge Bulsara also recommends that Tacuepian Damian be dismissed from the case. Neither party has filed objections, and the time to do so has expired.

Accordingly, the Court reviews Judge Bulsara's recommendation for clear error on the face of the record. See Fed. R. Civ. P. 72(b) advisory committee's note to 1983 addition; accord State

Farm Mut. Auto. Ins. Co. v. Grafman, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013).

Having reviewed the record, I find no clear error and therefore adopt the R&R in its entirety. Thus, I grant Plaintiff's motion for default judgment and order that Plaintiff is awarded: (1) \$2,700.00 in unpaid overtime wages; (2) \$2,527.20 in unpaid minimum wages; (3) \$2,370.00 in other unpaid wages; (4) \$1,350.00 in spread-of-hours pay; (5) \$2,700 in FLSA liquidated damages; (6) \$6,247.20 in NYLL liquidated damages; (7) \$9,500.00 in WTPA damages; and (8) \$2.21 per day in per diem interest from February 5, 2020 until the date of judgment. Tacuepian Damien is dismissed from this action without prejudice. No injunction shall issue. The Clerk of Court is respectfully directed to enter judgment.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: March 29, 2022
Brooklyn, New York